REMARKS/ARGUMENTS

The claims currently stand rejected as obvious over a combination of Shinomura et al and Sitrick. It is requested that the Examiner reconsider and withdraw the rejections for the reasons set forth below.

As the Examiner pointed out in the Office Action, Shinomura et al fails to disclose a method whereby a list of usable display formats is transmitted to the data-preparing device wherein such device then, according to availability, selects the best suited display format for the data-requesting device. Sitrick is cited to supply the missing process steps, but Sitrick fails to disclose the steps missing from the disclosure of Shinomura et al.

Sitrick provides a process whereby data is processed by the controller to provide display presentation of divergence data in a selected one of multiple display formats, the formats including deviation error, deviation direction, timing, pitch, audio, video and audio visual graphical presentation. The user may select what type of data to be displayed from pool of possible data content. However, the process of Sitrick does not receive information data from a data requesting device about the capabilities of the data requesting device in regard to a display format that is usable by the display of the data requesting device wherein a list of usable display formats is transmitted to the data-preparing device and the data-preparing device then, according to availability, selects the best-suited display format. The process of Sitrick merely requests a selected display format which is then provided by the controller.

The combination of Shinomura et al and Sitrick therefore does not provide disclosure of all of the method steps of independent Claim 8, and Claim 8 and the claims dependent thereon are not rendered obvious by the combination of these two references. The Examiner carries the burden of providing a *prima facia* case of obviousness and that burden has not been met here where the two references, even if combined, do not provide a disclosure of the inventive method. Furthermore, there is no teaching or incentive for combining the two methods, which are quite different in their content and application.

It is believed that the claims in their present form patentably define over the prior art of record and it is requested that the Examiner withdraw the rejection to the claims and pass

the application to issue. However, if the Examiner believes that it would be of assistance in expediting prosecution, it is requested that he telephone the undersigned at 460-260-1692.

Respectfully submitted,

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Name of Registered Representative

Signature

April 15, 2005
Date